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Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

JOHNNIE CRISCO and THE)
ESTATE OF ANNA CRISCO by HER)
PERSONAL REPRESENTATIVE,)
ROBIN BOOKER,)
)
Plaintiffs,)
)
vs.)
)
UNITED STATES OF AMERICA,)
)
Defendant.)
_____)

Case No. 3:03-cv-0011-HRH

**PLAINTIFFS' MOTION TO
EXCUSE THE LATE FILING
OF PLAINTIFFS' TRIAL BRIEF
AND EXHIBITS**

Plaintiffs required filing of their copies of exhibits and trial brief is one week late. Plaintiffs are aware that such violation of the Pretrial Order is not and should not be taken lightly. Plaintiffs' counsel respectfully asks the court and defense counsel to excuse this delay for the following reasons:

Plaintiffs' attorney is a one-lawyer, two paralegal office. Late in the week of August 27th, a very close personal friend of the undersigned and his medical paralegal, Sanne Berrig, suffered an extreme medical emergency. This condition was a life

threatening septic shock that required immediate action. The friend is a woman in her mid forties who lives in Soldotna, and really had no other friend or family member to rely on.

Ms. Berrig and the undersigned literally dropped everything and did whatever was possible to help this woman and her child. This included a medivac to Alaska Regional and obtaining the necessary intensivist and hospitalists to coordinate care. The corner was turned by September 7th and the prognosis is encouraging.

The undersigned feared he would have to seek a continuance, but the trial brief and exhibits were completed over the weekend, and plaintiffs will be ready for trial on September 17, 2007.

Apologies are extended to the court and defense counsel for the inconvenience.

The undersigned certifies that the above facts are true and correct.

DATED this 10th day of September, 2007, in Anchorage, Alaska.

KAPOLCHOK LAW OFFICES, LLC

/s/ George M. Kapolchok
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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of September 2007, a true and correct copy of the foregoing document was served electronically upon:

Richard L. Pomeroy
Assistant U.S. Attorney
Federal Building & U.S. Courthouse
222 West 7th Avenue, #9, Room 253
Anchorage, AK 99513-7567

/s/ Paula Beneke
Kapolchok Law Offices, LLC